

REMARKS

This responds to the Final Office Action dated November 17, 2008.

Claims 1 to 12 are amended, claims 18 to 25 are added; as a result, claims 1 to 12, and 18 to 25 are now pending in this application.

Double Patenting Rejection

Claims 1 - 12 were rejected under a non-statutory double patenting rejection, specifically over claims 1-5 of U.S. Patent No. 7,079,176, in view of Wolzien (U.S. Patent No. 5,761,606). Applicant does not admit that the claims are obvious in view of U.S. Patent No. 7,079,176, in view of Wolzien (U.S. Patent No. 5,761,606). On February 17, 2009 Applicant filed a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) to obviate these rejections and expedite allowance of this application.

Claims 1-12 were rejected under a non-statutory double patenting rejection, specifically over claims 1-5 of co-pending Application with Serial No. 10/126,480, in view of Wolzien (U.S. Patent No. 5,761,606). Applicant does not admit that the claims are obvious in view of co-pending Application with Serial No. 10/126,480, in view of Wolzien (U.S. Patent No. 5,761,606). On February 17, 2009 Applicant filed a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) to obviate these rejections and expedite allowance of this application.

§103 Rejection of the Claims

Claims 1-4 and 8-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Harper et al. (U.S. Patent No. 5,585,858) and further in view of Wolzien (U.S. Patent No. 5,761,606).

Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Harper et al. (U.S. Patent No. 5,585,858) and further in view of Wolzien (U.S. Patent No. 5,761,606) as applied to claim 1, and in further view of Wachob (U.S. Patent No. 5,231,494).

Claims 1-4 and 8-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Hoarty (U.S. Patent No. 5,412,720) in further view of Barstow et al. (U.S. Patent No. 5,189,630) and further in view of Wolzien (U.S. Patent No. 5,761,606).

Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Hoarty (U.S. Patent No. 5,412,720) in view of Barstow et al. (U.S. Patent No. 5,189,630) and further in view of Wolzien (U.S. Patent No. 5,761,606) as applied to claim 1, and in further view of Wachob (U.S. Patent No. 5,231,494).

Applicant herein amends claims 1-12 of the present application and submits that the claims are in a condition for allowance. Applicant respectfully requests reconsideration of the pending claims 1-12 and consideration of the new claims 18-25.

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE

Serial Number: 10/765,044

Filing Date: January 28, 2004

Title: DIGITAL INTERACTIVE SYSTEM FOR PROVIDING FULL INTERACTIVITY WITH LIVE PROGRAMMING EVENTS

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Dkt: 2050.071US4

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4041 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

April 17, 2009

By:

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 17, 2009.

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